Ontario

Ontario Highway Transport Board

ANNUAL REPORT

1983

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OF

THE ONTARIO HIGHWAY TRANSPORT BOARD

for the year ending December 31, 1983

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The Ontario Highway Transport Board pursuant to Section 28 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 316, begs leave to submit its twenty-eighth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1983.

Members of the Board:

G.C. Marrs	Chairman
G.J. Norton	Vice-Chairman
R.D. Sloan	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To. The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the Annual Report for the Ontario Highway Transport Board for the calendar year ending December 31, 1983.

Respectfully submitted,

James Snow,
Minister

To: The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities of The Ontario Highway Transport Board for the calendar year ending on December 31, 1983.

Respectfully submitted,

G.C. Marrs,
Chairman

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1983 ANNUAL REPORT OF THE BOARD

EXECUTIVE

On April 11, 1983, Mr. George C. Marrs was appointed Chairman of the Ontario Highway Transport Board succeeding Bruce B. Alexander, Q.C., who was appointed to new responsibilities with the Ministry of Transportation and Communications as Assistant Deputy Minister, Finance and Administration.

Mr. Robert D. Sloan, a member of the Board since 1979, was appointed Vice-Chairman. Mr. Sloan was also appointed Vice-Chairman of the Ontario Telephone Services Commission on January 1, 1983, and will continue in that capacity.

Mr. Max Shecter, a member of the Board since 1981, was appointed a member of the Ontario Telephone Services Commission on January 1, 1983, as well.

Administration

Successful efforts have been made to improve internal efficiency, and to upgrade the level of service to the public.

Automation

The Board is continuing to modernize its operation and now has direct terminal access to vehicle registration and conviction records, and to other data stored in the main Ministry of Transportation and Communications computer located at Downsview.

PUBLIC INFORMATION

The Board has published a series of booklets on the application process, wording and procedure which are of value to prospective applicants. Publications now available are:

"An Introduction to The Ontario Highway Transport Board"
"How to Apply For a Class "H" P.C.V. Licence"
"How to Apply For a Class "R" P.C.V. Licence"
"The Application Process – Guidelines"

Copies of these booklets may be picked up free of charge at the Board's offices, 151 Bloor Street West, Toronto, Ontario. For additional information, contact the Office of Proceedings, (416) 965-1845.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Public Hearings

Special Class "A" Hearings were again held in major centres across the Province to obtain data and information concerning the available supply of dump vehicles and the anticipated demand for their services.

As in the two previous years, it is still evident that a high level of dormancy in operating licences exists across the province, and strong competition in all areas has produced highly competitive rates. It is apparent that an adequate supply of vehicles is still available in all regions.

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

The Board continues to participate in the working groups of CCMTA in particular those involving (1) Legislation, Regulations & Procedures, and (2) Policy Issues. Within the framework

of the first named group our contribution has been in the preparation of rules and procedures designed to expedite the application and hearing process by establishing uniformity of process within each provincial jurisdiction. The proposals are now in the hands of each jurisdiction and other interested groups and we are awaiting formal responses prior to formalizing the procedures submitted.

The amendments to the Motor Vehicle Transport Act (Canada) are being reviewed by Transport Canada and we remain hopeful that we will see at least the majority of the submissions accepted for legislative processing. In the meantime jurisdictions continue to act on behalf of each other with respect to "out of jurisdiction" service of summons etc., and with the attendant cost the MVT Act proposed amendment with respect to "out of jurisdiction" service by registered mail assumes greater importance given the constraints in effect in each province.

TRANSPORTATION POLICY

Commercial Motor Vehicle Lease

Effective July 1, 1982, the Board discontinued making recommendations to the Minister of Transportation and Communications in respect to the approval of a lease for a commercial motor vehicle.

A process has been implemented by the Ministry whereby any holder of an operating licence wishing to lease a commercial motor vehicle may make application to the Highway Carrier Licensing Office for a vehicle licence.

Administered Prices Restraint Program

Bill 179, an Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province, received third reading in the Legislature on December 15, 1982.

The provisions of the Act apply, among other things, to public vehicle tariffs. Basically, the Restraint Program restricts the pass through of increases for salaries and wages and for profits to a maximum of 5%. All other increases in cost (e.g. fuel, tires, etc.) may be fully passed through in tariff hearings.

At the present time the Minister of Transportation and Communications refers applications for new or revised public vehicle tariffs to the Board for hearing and report. The only public vehicle movements exempt from this requirement are:

- a.m./p.m. school bus trips
- charter trips

The administered Prices Restraint Program has a duration of 15 months, from September 21, 1982 to December 31, 1983. The compliance period for P.V. carriers is 12 months starting from the first effective price increase in the program period.

Class 'Y' Licence

American for-hire carriers have been able to operate through Ontario for a number of years under the terms of a Class 'L' operating licence. This licence is issued for the in-transit move of goods in bond between the U.S. States of Michigan and New York. The licensee is required to purchase a trip permit for each trip across the province. The permit currently costs $20.00 and exempts the commercial motor vehicle for which it is issued from Ontario's registration fees, operating licence requirements and Ontario's fuel tax program, however, it does restrict movements to between specific boundary points and over selected routes.

As a result of Ontario having negotiated bilateral registration reciprocity agreements with 36 U.S. jurisdictions, including Michigan and New York, the need for the 'L' Class permit as a means of exempting U.S. carriers from Ontario's registration requirement has gradually lessened, however, the need for a permit to cover operating licence requirements has remained the same. By publication in the Ontario Gazette of O. Reg. 778/81 pursuant to the P.C.V. Act on December 5, 1981, the Honourable James Snow, Minister of Transportation and Communications implemented a new class of licence for goods moving in bond through Ontario between New York and Michigan. The Class 'Y' licence allows the licensee unlimited operations of a commercial motor vehicle, between the same boundary points and over the same routes as the Class 'L' permit on payment of a $50.00 annual fee for each vehicle listed under the Class 'Y' licence.

Carriers based in a jurisdiction which does not have a vehicle registration reciprocity agreement with Ontario are required to purchase Ontario registration for each vehicle listed.

Intercorporate Trucking

Intercorporate private trucking was introduced in February of 1982. Corporations with a 90 percent common level of ownership may apply to the Minister of Transportation and Communications for a Certificate of Intercorporate Exemption allowing it and its affiliate to transport each other's goods for compensation without an operating licence.

Since its introduction, Certificates have been issued to 93, both Canadian and U.S. corporations involving a total of 304 subsidiaries.

A committee was appointed at the time intercorporate trucking was introduced to monitor the impact on both incorporate and for-hire carriers. That committee reported in June of 1983. The committee found difficulty in identifying any major impacts as apparently the combination of the short period of time since the legislation was introduced, and the depressed level of the economy, has limited the number of intercorporate trucking implementations. Some of the smaller firms, however, had achieved significant benefits from intercorporate trucking while larger companies appeared to be using the privilege to make incremental improvements in their distribution operations. The committee was unable to identify any negative impacts on for-hire carriers. It was determined that intercorporate trucking remains an undeveloped practice in Ontario, and as a result a definitive assessment of its impact cannot be made at this time.

PCV Act Review

In June of 1983, the Public Commercial Vehicles Act Review Committee completed its meetings and presented its report entitled: "Responsible Trucking" to the Minister of Transportation and Communications. Mr. B.B. Alexander, Q.C., former Chairman of the Board, was a member of the Committee. Concensus was reached on a significant number of issues facing shippers, and private and for-hire carriers.

The report recommends what the new legislation should do, and how it should be accomplished. The basis is a statement of objectives and principles which sets out the new philosophy: It recommends emphasis on performance rather than entry controls and stresses that the new Act should ensure an effective highway goods movement system in Ontario based on private ownership and effective competition. Principles of fairness, simplicity, participation in the local economy by all carriers, and controlled change to allow participants time to adjust are considered essential.

To ensure compliance, a Commercial Vehicle Operator Registration has been recommended which will ensure that someone besides the driver and vehicle owner is responsible for on-highway operation.

Under the new Act, it is proposed that the test of public necessity and convenience be replaced with a fitness test. The test will examine the operational and financial fitness of the applicant and is designed to ensure the applicant is prepared for the responsibilities and risks of the planned operation.

An implementation steering committee (I.S.C.) is in place which will oversee a number of specialized committees, each dealing with a particular segment, e.g. Rates, Enforcement, Competency, Agency Reform and the Licence Rewrite Commission. Mr. G.C. Marrs is a member of the I.S.C., which is the decision-making group, and the Board is represented on all other committees. Following the successful experience of the Public Commercial Act Review Committee, the I.S.C. and the committees reporting to it are made up from the 100 member Implementation Advisory Group, whose membership has been nominated by organizations or associations concerned with the trucking industry either as carriers or users.

Both the Government and the trucking industry are working together to ensure that the new Act will be fair to all, and designed to foster the development of a profitable, responsible and efficient highway transportation system.

International Trucking

On April 19, 1983, the Minister of Transportation and Communications directed the Ontario Highway Transport Board to examine and investigate such matters as necessary to determine if a major shift in the balance of trade in trucking services was likely, and what effect such a shift would have on the trucking industry and the service to Ontario shippers, receivers and consumers.

Pursuant to this direction, the Board conducted hearings between May 30 and July 13, 1983 at strategic locations across the Province. Submissions were received from more than 60 persons and organizations, and the Report which reflected the divergent views of carriers and shippers – was forwarded to the Minister on July 30, 1983.

The executive summary noted that private and for-hire trucking, the dominant mover of freight, is a fourteen billion-dollar industry in Canada and five billion in Ontario. It employs 81,000 persons in Ontario and deploys over 130,000 pieces of equipment in this Province. Ontario has the biggest share of transborder traffic.

Because of the recession, there is substantial excess capacity in the trucking industry and profits have shrunk; the industry as a whole is financially stretched – especially the larger carriers. U.S. carriers are in better financial shape, and their bigger ones dwarf their Canadian and Ontario counterparts.

The international trucking market is particularly important to Ontario's economy, since Ontario-based international carriers generate a disproportionately large share of international revenues.

If a change in Ontario's transportation policy were to reduce the relative volume of international business handled by Ontario-based carriers (either through present U.S. based carriers taking a bigger share of the market or through the relocation of Ontario-based international carriers to the United States) the provincial economy could lose substantial investment, jobs and provincial revenues. It appears that U.S. carriers may already have a net favourable balance: shipments of U.S. origin earn a larger share of the revenues, represent a larger share of the Canadian market than Canadian origin shipments do of the U.S. market, and more international trucking miles are travelled south of the border.

Protectionist trends in the international economy including the United States in some sectors, complicate the Board's deliberations on transborder trucking policy. The Board should be convinced that Canadian carriers would receive fair and equal reciprocal treatment as one precondition to opening the border. Another necessary condition is that Ontario carriers should be financially able to make adjustments to their operations to remain competitive. This suggests that, in the event an open border policy is implemented, a transitional period of adjustment – or phasing in – may be required.

The Report pointed out that information available on the trucking industry in Canada is fragmented and unco-ordinated, and recommended that steps should be taken to improve and up-

grade the flow of vital information needed for effective strategic planning and public policy information.

PUBLIC VEHICLES ACT

In the process of dealing with its specific tasks the former Public Vehicles Act Review Committee identified two major problems; public highway transportation services on major provincial corridors and public highway transportation services in rural areas.

In an effort to resolve these two problems, and as a measure of his concern for the health of the industry as a whole the Honourable James Snow, Minister of Transportation and Communications formed a Bus Committee, which met for the first time on September 16, 1982. The membership list of the Committee embraces representatives from three broad areas:

Bus Industry: A representational selection of interprovincial scheduled service carriers, regional carriers, government sponsored carriers, schoool bus carriers and northern Ontario carriers;

Government: The Ontario Highway Transport Board, Ministry staff and government agencies (including Transport Canada) that have direct involvement in matters surrounding bus transportation;

Public: A consumers group representative, and a representative of one of the major client groups for intercity bus transportation – senior citizens.

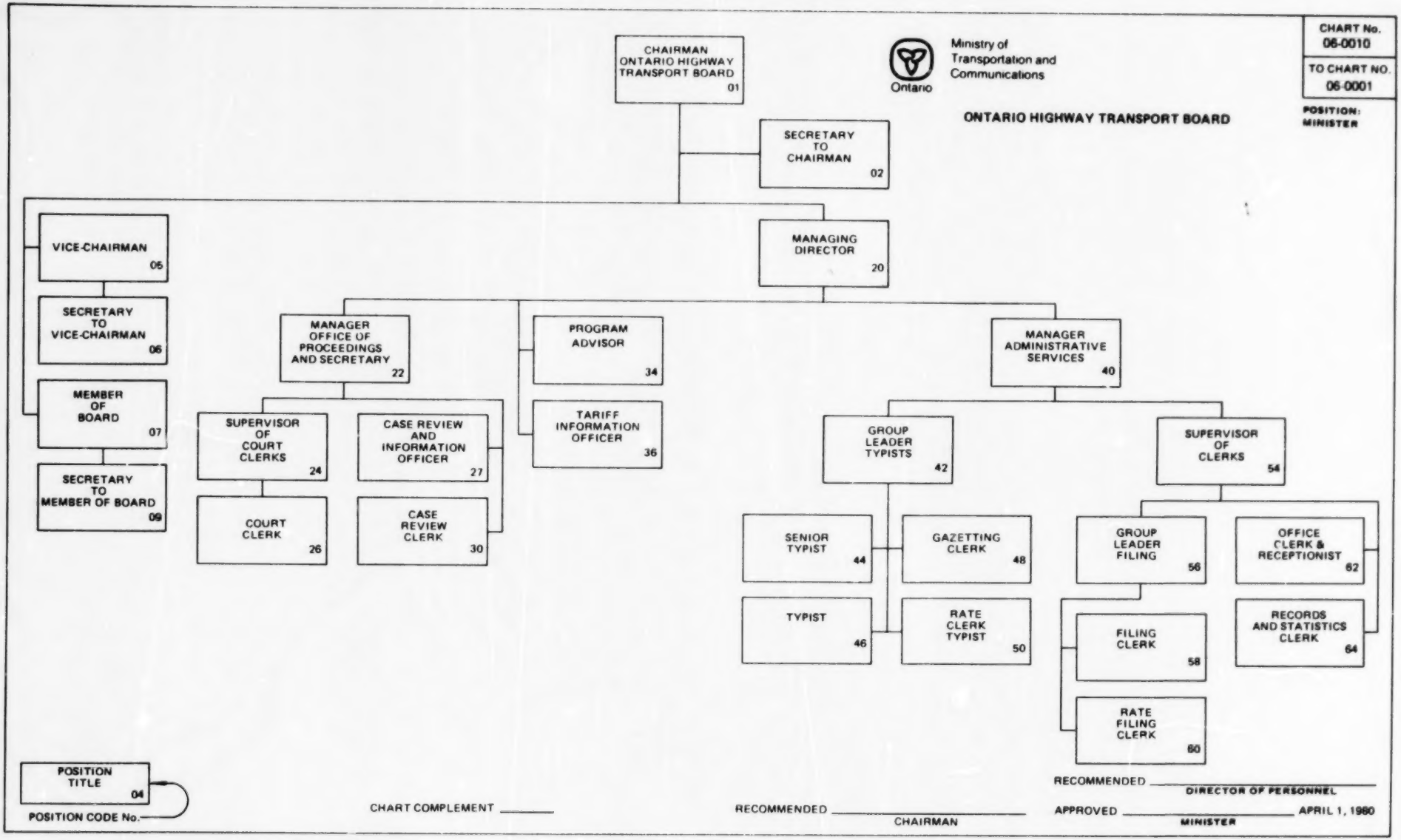
In his direction to the committee the Minister indicated that he was looking for concensus for a provincial policy direction that would support the public intercity transportation sector. He defined the issues facing the committee, as follows:

Rural Mobility: How can Ontario ensure that essential public highway services are maintained in small communities and rural areas?

Bus and Rail Interaction: How can Ontario ensure the continuance of essential long distance bus service between urban centres while at the same time pursuing intermodal bus/rail initiatives and most appropriately anticipating such proposals for the Windsor-Montreal and Ottawa-Toronto VIA RAIL high speed corridors, so as to best serve the interests of the travelling public, bus parcel express customers and the intercity bus industry.

In October of 1983, in response to a submission from the Ontario Motor Coach Association, the Committee's terms of reference were broadened to consider issues raised in the brief including charter and line-haul separation, and competition from subsidized carriers. The Minister stated that he was looking for the Committee to produce a statement of some basic principles which can be used in the preparation of legislation. The provincial policy proposals are expected by December of 1984.

APPENDIX 'A'


CHAIRMAN ONTARIO HIGHWAY TRANSPORT BOARD 01
Ontario
Ministry of Transportation and Communications
CHART No. 06-0010
TO CHART NO. 06-0001
ONTARIO HIGHWAY TRANSPORT BOARD
POSITION: MINISTER
SECRETARY TO CHAIRMAN 02
VICE-CHAIRMAN 05
SECRETARY TO VICE-CHAIRMAN 06
MEMBER OF BOARD 07
SECRETARY TO MEMBER OF BOARD 09
MANAGING DIRECTOR 20
MANAGER OFFICE OF PROCEEDINGS AND SECRETARY 22
SUPERVISOR OF COURT CLERKS 24
COURT CLERK 26
CASE REVIEW AND INFORMATION OFFICER 27
CASE REVIEW CLERK 30
PROGRAM ADVISOR 34
TARIFF INFORMATION OFFICER 36
MANAGER ADMINISTRATIVE SERVICES 40
GROUP LEADER TYPISTS 42
SENIOR TYPIST 44
TYPIST 46
GAZETTING CLERK 48
RATE CLERK TYPIST 50
SUPERVISOR OF CLERKS 54
GROUP LEADER FILING 56
FILING CLERK 58
RATE FILING CLERK 60
OFFICE CLERK & RECEPTIONIST 62
RECORDS AND STATISTICS CLERK 64
POSITION TITLE 04
POSITION CODE No.
CHART COMPLEMENT
RECOMMENDED
CHAIRMAN
RECOMMENDED
DIRECTOR OF PERSONNEL
APPROVED
MINISTER
APRIL 1, 1980

APPENDIX 'B'

BOARD POLICIES AND PROCEDURES

Policy Statements

Continuing its practice of publishing formulated policy, Board Policy Statements issued to date are as follows:

No. 001/7809029 (cancelled and superseded by Policy Statement No. 004/79-8-2)	Renewal of licence under the Public Commercial Vehicles Act.
Effective date:	September 29, 1978
No. 002/79-2-1	Adjournment of Hearing.
Effective date:	February 1, 1979
No. 003/79-5-14	Admissibility as evidence of photocopies and microfilm prints.
Effective date:	May 14, 1979
No. 004/79-8-2	Renewal of a public commercial or public vehicle operating licence.
Effective date:	immediate
No. 005/79-9-7	Recording of hearing proceedings.
Effective date:	September 7, 1979
No. 006/79-9-7	Transfers and temporaries.
Effective date:	September 7, 1979
No. 007/79-9-7	Cancellation of interim licence of adjournment of hearing.
Effective date:	September 7, 1979
No. 008/79-11-19	Expanded use of Section 8 proceedings.
Effective date: (amended by Policy Statement No. 012/81-1-1)	immediate
No. 009/80-1-14	Hearing procedures for applications for Class 'R' operating licence.
Effective date:	immediate
No. 010/80-9-4	Complementary authorities.
Effective date:	Draft for discussion purposes – no implementation date.
No. 011/8 -9-30	Distribution of notices of decision.
Effective date:	immediate
No. 012/81-1-1	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings.
Effective date:	January 1, 1981
No. 013/81-6-25	Complementary authorities.
Effective date:	immediate
No. 014/81-9-16	Filing of Notices of Objection.
Effective date:	September 16, 1981

No. 015/81-12-2 Effective date:	Change of name of licence holders P.C.V. operating licences. immediate
No. 016/81-12-2 Effective date:	Issuance of summonses. December 2, 1981
No. 017/82-6-22 Effective date:	Commercial motor vehicle lease approval. July 1, 1982
No. 018/82-12-22 Effective date:	Metrication of weight, size and distance in applications. December 22, 1982
No. 019/83-1-31 Effective date:	Metropolitan Toronto commercial zone. immediate
No. 020/83-3-23 Effective date:	Procedures for issuing non-permanent authorities. May 30, 1983
No. 021/83-4-14 Effective date:	In-transit authorities. immediate
No. 022/83-6-27 Effective date:	Applications received after June 21, 1983. immediate
No. 024/83-8-16 Effective date:	Form of headings for orders, certificates and reports. August 22, 1983
No. 025/83-8-18 Effective date:	Requests for adjournments. immediate
No. 026/83-10-5 Effective date:	Listings for the Ontario Gazette. immediate

Policy Statements published by the Board during the period January 1 - December 31, 1983, are appended to this report.

APPENDIX 'B-1'

METROPOLITAN TORONTO COMMERCIAL ZONE

The Board published notice in the Ontario Gazette of December 4, 1982 of a public meeting to address the subject of the extension of the boundaries of what is commonly known as the Metropolitan Toronto Area Commercial Zone.

The Notice of that public hearing read as follows:

"NOTICE OF PUBLIC MEETING

What is known as the "Metro A" licence is an authority held by a large number of Public Commercial Vehicle Operators authorizing them to serve the Metropolitan Toronto "Commercial Zone". The description of this zone has been extended over time to accommodate the needs of shippers and carriers to serve an expanding Metropolitan Toronto commercial area. Although there are variations the present standard description is:

> For the carriage of goods, between Metropolitan Toronto and the City of Mississauga, excluding the Toronto International Airport, that part of the Town of Vaughan bounded on the west by King's Highway No. 400, on the north by Sherwood Road (also known as Carrville Road) and on the east by Keele Street running south to Langstaff Road and by Dufferin Street running south from Langstaff Road, that part of the Town of Markham bounded on the north by Carrville Road (also known as 16th Avenue) and on the east by Kennedy Road, that portion of the City of Brampton bounded on the north by Peel Regional Road No. 16, the Town of Ajax and that part of the Town of Pickering on and south of King's Highway No. 7.
>
> PROVIDED there be no service to or from that portion of the City of Brampton known as the Town of Brampton as at December 31st, 1973.
>
> PROVIDED FURTHER that the licensee shall not transport any shipment exceeding 3,000 pounds in weight from the installations of Domtar Construction Materials Limited and/or Canada Brick a division of Martin-Marietta (Canada) Limited in the City of Mississauga, the Town of Vaughan or the City of Brampton unless previously authorized.

In the Greystone Cartage & Express Ltd., decision issued on June 23, 1982 the Board granted a geographic extension to a "Metro A" area and indicated that the existing "Metro A" boundaries are due for revision, at least so far as they restrict the licence holder to serving a portion of certain municipalities.

The Board has now received a large number of similar applications to eliminate these split municipalities and has indicated to the applicants that a policy meeting will be held to receive submissions on how such applications and the issues they raise may best be dealt with.

The terms of these applications are as follows:

> "For the carriage of goods between:
>
> 1. Metropolitan Toronto;

2. the City of Mississauga;

3. the City of Brampton;

4. the Town of Markham;

5. the Town of Vaughan;

6. the Town of Ajax

7. the Town of Pickering."

The purpose of this public meeting will be to develop a procedure for dealing with these applications and any similar ones that may be filed on an expeditious basis and to consider any other matters relevant to licensing within the Metro Toronto Commercial Zone including the advisability of any other changes in the "Metro A" language.

The Board proposes to ussue a policy statement as a guide to present and future applicants after hearing submissions at this meeting.

The meeting will be held at 2:00 p.m., on Friday, January 7, 1983 at the Board's Chambers, Hearing Room No. 1, 151 Bloor Street West, 10th Floor, Toronto, Ontario.

Interested parties are invited to attend.

Parties unable to attend are encouraged to send their comments in writing to the Secretary of the Board."

The meeting was well attended and the Board received numerous helpful submissions all of which have been taken into consideration in the development of the following policy statement.

The Board would like to thank all those who attended for their time and interest.

019/83-01-31

POLICY STATEMENT

Item: METROPOLITAN TORONTO COMMERCIAL ZONE

Objective: TO STATE BOARD POLICY

Policy:

1. The Board will receive applications from carriers with authority to serve the present Metropolitan Toronto Commercial or Metro A area on a cartage or Class "A" basis in the following terms:

   "For the carriage of goods between Metropolitan Toronto, the City of Mississauga, the City of Brampton, the Town of Markham, the Town of Vaughan, the Town of Ajax and the Town of Pickering.

2. Applications received prior to April 1, 1983 will be published and heard together.

3. A prehearing conference will be held to establish:

   1) the procedural format for the hearing, and

   2) what issues, if any, are contentious and how they can best be addressed at the hearing.

Individual applicants will not be required to produce witnesses, other than company witnesses, except as may be determined at the prehearing conference.

Representatives of a number of carriers that presently serve the additional area applied for expressed concern that if the applications were granted they would be subject to a sudden and dramatic increase in competition. This was in their view unfair and the Board was asked whether it would consider alleviating any hardship that might be created by granting them additional authorities.

The exact nature and extent of the impact on existing carriers of the insertion of such a large number of additional competitors will depend on the particular resources, licensing and operating characteristics of each such carrier.

The Board must consider as a part of public necessity and convenience the ability of carriers under their existing operating licences to compete, to be efficient and to remain viable. The Policy Statement effective 11th August 1979 issued pursuant to The Public Commercial Vehicles Act, R.S.O. 1980, Chapter 407, in its preamble speaks of the "need for an efficient and viable transportation industry" that will under Items 2 and 6 of the same Statement

2. use capital, equipment and manpower resources efficiently

6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;

It follows that those carriers who consider their present operations adversely affected by any applications that may be successful and who are satisfied that they can establish as part of the proof of public necessity and convenience that an additional operating authority will assist them in satisfying these policy guidelines are free to bring forward applications that will address such matters.

APPENDIX 'B-2'

Further to the public meeting advertised in the Ontario Gazette of December 11, 1982 and held on January 14, 1983 the Board has adopted the following Policy Statement with respect to the issuance of non-permanent operating authorities.

020/83-02-23

POLICY STATEMENT

Item: Procedures for issuing non-permanent authorities pursuant to **The Public Commercial Vehicles Act** and **The Public Vehicles Act** of Ontario and **The Motor Vehicle Transport Act (Canada)**.

Objective: To provide an efficient, equitable and flexible system for considering applications for special, temporary and interim authorities.

Comment: The Board issues three (3) types of non-permanent operating authority as follows:

1. **Special Authority** is granted for a period of up to seven days. It is normally applied for by telegram or telex but the Board may act upon any written request. The Minister has delegated to certain members of the Board his power to issue such an authority under Section 6(4) of The Public Commercial Vehicles Act and Section 5(6) of The Public Vehicles Act.

2. **Temporary Authority** is applied for on the standard application form and must be accompanied by affidavit evidence from the shipper(s) requiring the service. The authority normally provides that it will expire at the end of a specified term or upon a specified day and contains language providing for its earlier cancellation upon the determination by the Board that an existing licensed carrier is in a position to provide the service or that the service is no longer required.

3. **Interim Authority** is also applied for on the standard application form and must be accompanied by affidavit evidence from the shipper(s) requiring the service along with an application for permanent authority. An interim authority terminates when a decision is rendered on the application for permanent authority or, similar to the temporary authority, upon the determination by the Board that an existing licensed carrier is in a position to provide the service or that the service is no longer required.

Statement: The Board will issue a non-permanent operating authority if it is satisfied that it has received a request to meet an urgent need to provide a service that no currently licensed carrier is able to provide.

Special Authority

Applications for special authority are normally applied for and issued or denied by means of telex or telegram, although they may be requested and the decision may be issued in any written form. Such applications are considered in Chambers without public notice but copies of decisions are posted on the Board's Bulletin Board on the 10th Floor at its offices at 151 Bloor Street West, Toronto.

These authorities usually involve specific moves and are issued for a maximum period of seven days but may be renewed to a maximum of twenty-one days to accommodate an emergency of such duration or to allow additional time for the filing and disposition of an application for temporary or interim authority. To be eligible for a special authority the legislation requires that the applicant be the holder of a current operating licence.

Temporary and Interim Authority

Applications for temporary or interim authority are normally considered without hearing or public notice. They are made on the standard application form and must be identified as a temporary or interim application and be accompanied by affidavit(s) from the shipper(s) requiring the service and the normal application fee.

The affidavit(s) should outline:

(a) the reason for the urgency;

(b) the product and the volume of the product to be transported;

(c) the steps taken by the shipper to ascertain what authorized carriers, if any, are available to perform the service; and

(d) the rate to be paid.

The Board may:

(a) deny the application;

(b) issue a certificate; or

(c) request further information.

Once the application has been received a copy will be posted on the Board's Bulletin Board. Opposition may be filed with respect to such an application within seven days of its posting and should indicate that an offer to provide the required service has been made to the shipper. The opposition and notice may be in the form of a telex, telegram or written advice to the Board and a copy must be sent in a similar manner to the applicant.

The Board will set aside a day each week at 9:00 a.m. for the consideration of submissions made with respect to applications for which opposition has been filed during the previous seven days. Submissions may be entirely or partially in writing and need not be sworn.

In special circumstances the Board may order that a particular application may be heard at a specific time and place other than the regular hearing and notice shall be given to those who have filed opposition.

The sitting panel may:

(a) deny the application;

(b) issue a certificate; or

(c) adjourn the hearing.

Opposition to an application received after the seven day period but prior to the issuance of a decision on the application may be heard at the next subsequent weekly meeting.

Opposition to an application filed with the Board after a certificate has been granted may be heard by the Board as soon as reasonably possible at a time and place to be set by the Board. Notice of the hearing will be given the applicant and the respondents by telex or telegram and posted on the Board's Bulletin Board. The Ontario Trucking Association or the Ontario Motor Coach Association will also be notified of the hearing.

If no opposition is filed within the seven day period the Board may proceed to issue or deny the application in Chambers.

Special Circumstances

The Board may also issue non-permanent authorities in special circumstances; for example, where the issuance of such an authority will permit the continuation of a service previously provided by the applicant under an operating licence, (see Board Policy Statement No. 004/79-8-2 'Renewal of a Public Commercial or Public Vehicle Operating Licence').

Effective date: May 30, 1983.

APPENDIX 'B-3'

021/83-04-14

POLICY STATEMENT

Item: IN TRANSIT AUTHORITIES

Objective: TO OUTLINE BOARD POLICY WITH RESPECT TO IN-TRANSIT AUTHORITIES.

Policy: No certificate is to be issued for an 'in-transit' authority through Ontario either to an existing licensee or a new applicant unless that licensee or applicant files with the Board authorities from the jurisdictions he wishes to join by passing in transit through the Province of Ontario.

Effective date: immediate.

022/83-06-27

POLICY STATEMENT

Item: PROCEDURE FOR ALL APPLICATIONS RECEIVED BY THE BOARD ON OR AFTER JUNE 21, 1983

Policy: Each and every application received by the Ontario Highway Transport Board under a postmark of June 21, 1983 or later shall, if approved, be issued on a temporary basis only.

The operating licence that results shall be temporary and conditional and expire July 1, 1985 or such earlier date if events make such operating licence redundant.

Wording for orders and certificates will be the basis of a later memorandum.

N.B. If the Public Commercial Vehicles Act is changed these applications will be dealt with as applications under whatever the new system is and the licence held at that time will be replaced in accordance with any new requirements which may exist at that time. If no change in the method of dealing with for-hire transportation is legislated to be effective by July 1, 1985, then an extension of the temporaries or a permanent operating authority may be put in place.

Effective date: Immediate.

APPENDIX 'B-5'

024/83-08-16

POLICY STATEMENT

Item: FORM OF HEADINGS FOR ORDERS, CERTIFICATES AND REPORTS

Objective: To clarify which date should be used on Orders, Certificates, Reports and Reasons for Decision.

Comment: In the past it has been the practice that orders, certificates and reports of this Board recite in their headings all of the dates upon which proceedings relating to the subject matter were held. Frequently some period intervenes between the termination of a Hearing and the date upon which the Order, Certificate or Report is issued, and I am advised that some confusion exists with respect to the "date" of the Board's Order or Certificate, or of the "making" of Board's decision or Order, as it relates to the statutory limitations upon the time for instituting a Petition to the Lieutenant-Governor-in-Council or an appeal to the Divisional Court.

Policy: To eliminate any such confusion, the Heading of all our Certificates or Reports will in future bear only the first day and date upon which the application is heard. Similarly, Reasons for Decision will bear only the day and date upon which they are published. Members may, if they wish, recite in their reasons the days and dates upon which the application was heard, but they need not do so. When the reasons are issued at some time subsequent to the certificate or order to which they relate they should include a final paragraph that these are reasons on which the Board's certificatr or order signed on (date) was issued.

On every order, certificate and report, the final paragraph will make provision for entering the day, the date, the month and the year:

e.g., Thursday, the 23rd day of June, 1983.

The day, date and month will be entered by the Member on the two signed copies and that information shall be typed in on the other copies by the party mailing the certificate, order or report.

Effective date: August 22, 1983.

APPENDIX 'B-6'

025/83-08-18

POLICY STATEMENT

Item: ADJOURNMENTS

Objective: To establish a policy on requests for adjournments.

Comment: It has been noted that a large number of adjournments are being sought. Approximately ninety-four (94) were obtained during the first seven months of the year 1983.

The Board has endeavoured to co-operate with all parties. It provides a seminar each Thursday afternoon at 4:00 p.m. at which time the parties or their representatives may indicate any scheduling problems they may have relative to the forthcoming applications. Within reason a hearing date satisfactory to all parties can be established within the Board's schedule at a convenient location.

The current applications ready to be scheduled for future hearing dates are available to all parties each Thursday. The applicant or any party affected by the application may express their problems at that time. Despite this exercise in co-operation, there has been an inordinate number of adjournments. These adjournments not only disrupt the Board's schedule but more importantly they create delays in the consideration of hearings that could proceed if this vacated time could be reduced or eliminated.

Policy: Adjournments shall be granted for reasonable cause only, e.g., illness, severe weather disturbances or other unforeseeable events.

Requests for adjournments shall be submitted in writing to the Secretary of the Board no later than:

(a) seventy-two (72) hours prior to the date of any hearing to be held at the Board's Chambers, 151 Bloor Street West, or

(b) seven (7) days prior to the date of a hearing to be held at a point other than the said Board's Chambers.

Saturdays, Sundays and holidays are excluded from the time calculations on (a) and (b) above.

Co-operation from all parties in these matters will assist the Board to ensure its time is more fully utilized and that no avoidable delays affect any applications.

Effective date: Immediate.

APPENDIX 'B-7'

026/83-10-05

POLICY STATEMENT

Item: LISTINGS FOR THE ONTARIO GAZETTE

Objective: To expedite the period required to advertise and consider the applications to the Board.

Policy: Listings for the Ontario Gazette will be closed off Thursday at 12:00 noon Toronto time. The Notices will be signed by the Secretary and forwarded to the Queen's Printer no later than 3:30 p.m. each Thursday, except when the succeeding Monday is a holiday, in that instance the Gazette Notices will be closed off on Wednesday at noon hour and the Notices shall be forwarded to the Queen's Printer Wednesday afternoon no later than 3:30 p.m.

Effective date: Immediate.

APPENDIX 'C'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

January 1st to December 31st, 1983

Application Fees	$125,945.00
Court Costs	31,625.75
Tariffs (including copies)	59,882.61
Credits and U.S. Exchange	1,492.12
Miscellaneous	13,955.75
Gross Revenue	$232,901.23
Refunds and N.S.F. Cheques	– 4,384.00
Net Revenue	$228,517.23

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1st to December 31st, 1983

CLASS	
Public Commercial Vehicles Act	
A	294
C	80
D	765
E	11
F	48
FF	3
FS	33
H	76
K	23
L	0
R	632
T	73
W	18
Y	32
	2088
Public Vehicles Act	
PV	191
PVS	147
	338
Motor Vehicle Transport Act (Canada)	1153
Total	3579
Public Vehicle Tariffs	98

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

January 1st to December 31st, 1983

CLASS	TOTAL	GRANTED	DENIED	# of CASES OPPOSED	# of RESPONDENTS
A	288	279	9	172	341
C	64	59	5	24	69
D	589	514	75	69	217
E	11	11	–	–	–
F	40	37	3	2	3
FF	2	2	–	1	2
FS	25	23	2	2	3
H	59	48	11	20	55
K	21	18	3	8	25
L	19	19	–	–	–
R	649	496	153	11	19
T	59	49	10	18	44
W	84	50	34	73	188
Y	35	35	–	–	–
PCV'S	1945	1640	305	400	966
PV	127	110	17	27	66
PVS	141	137	4	2	3
PV'S	268	247	21	29	69
Goods	864	757	107	143	447
Freight Forwarders	2	2	–	1	5
Passengers	82	78	4	9	23
MVTA'S	948	837	111	153	475
TOTAL	3161	2724	437	582	1510

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Tariffs	11	18	1	10	4	17	12	3	9	4	1	9	99
Reasons for Decision	9	10	17	9	18	23	14	3	9	9	13	6	140
Applications Withdrawn	50	51	63	64	48	41	35	33	52	57	97	33	624
Telegram Authorities	42	54	75	39	41	61	55	57	48	48	53	35	608

APPENDIX 'D-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS – AFTER PUBLIC HEARING FOR 1983

APPLICATIONS

CLASS	Total	Denied	Granted	Transfers	
				Shares	Licence
A	193	2	191	--	7
C	27	3	24	–	–
D	111	20	91	–	1
E	1	–	1	–	1
F	4	2	2	–	–
FF	1	–	1	–	–
FS	2	–	2	–	–
H	22	4	18	–	1
K	9	2	7	–	2
L	–	–	–	–	–
R	330	106	224	–	2
T	19	3	16	–	–
W	78	34	44	–	–
Y	–	–	–	–	–
PCV'S	797	176	621	–	14
PV	28	8	20	–	4
PVS	2	2	–	–	–
PV'S	30	10	20	–	4
PCVX	194	26	168	3	12
FFX	1	–	1	–	–
PVX	10	3	7	–	1
MVTA'S	205	29	176	3	13
TOTAL	1032	215	817	3	31

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held January 1st to December 31st, 1983

APPLICATIONS HEARD

Month	Location	Number		Adjourned	Granted	Denied	Withdrawn
January	Brantford	1		–	1	–	–
	Saskatchewan	1	JOINT HEARING	–	1	–	–
	Saskatchewan	1		–	1	–	–
	St. Catharines	1		–	1	–	–
	Sudbury	2		–	2	–	–
	Peterborough	1		–	1	–	–
	Ottawa	11		–	10	1	–
	Whitby	1		–	1	–	–
	Welland	1		–	–	–	1
	Thunder Bay	4		–	3	–	1
February	London	2		–	2	–	–
	Windsor	3		1	–	–	2
	Sarnia	3		2	1	–	–
	Dryden	3		3	–	–	–
March	Dryden	2		–	2	–	–
	Thunder Bay	3		–	2	1	–
	Windsor	7		–	6	1	–
	Kitchener	10		–	4	4	2
	London	13		–	10	1	2
	Bancroft	1		–	1	–	–
	Ottawa	9		–	6	3	–
	St. Catharines	3		–	–	1	2
	Barrie	2		–	2	–	–

APPLICATIONS HEARD – cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
April	Windsor	4	1	3	–	–
	Hamilton	10	1	3	5	1
	Sarnia	2	–	1	1	–
	Peterborough	13	–	5	8	–
	Kingston	5	–	4	–	1
	Ottawa	37	3	25	6	3
	Dryden	10	–	6	2	2
	Fort Frances	4	–	2	2	–
	Thunder Bay	14	–	10	4	–
	Sault Ste. Marie	10	2	3	2	3
May	Welland	2	–	1	1	–
	Sudbury	10	–	7	3	–
	North Bay	21	–	14	7	–
	Kapuskasing	6	1	2	1	2
	Bancroft	1	–	1	–	–
	Timmins	8	1	3	4	–
	Ottawa	9	–	7	2	–
June	St. Catharines	1	–	1	–	–
	North Bay	2	–	2	–	–
	Timmins	2	1	1	–	–
	Kitchener	1	–	–	–	1
	Windsor	12	6	4	1	1
July	Dryden	9	1	4	4	–
	Sudbury	2	–	–	–	2
	Thunder Bay	28	5	16	5	2

APPLICATIONS HEARD – cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
August	Sault Ste. Marie	10	4	3	3	–
	Sudbury	17	1	9	5	2
	Windsor	4	1	2	–	1
	North Bay	18	2	11	3	2
	Timmins	12	2	2	5	3
	Kapuskasing	24	1	18	5	–
	Niagara Falls	2	–	2	–	–
	Ottawa	24	2	13	6	3
September	Peterborough	4	–	3	1	–
	Windsor	7	1	5	1	–
	Kingston	5	1	4	–	–
	Ottawa	20	–	12	7	1
	St. Catharines	6	–	3	2	1
	London	6	3	2	–	1
	Kitchener	1	–	1	–	–
	Welland	1	1	–	–	–
	Waterloo	5	–	3	2	–
October	London	7	2	5	–	–
	Niagara Falls	1	–	–	–	1
	Sudbury	8	–	4	1	3
	North Bay	3	–	1	–	2
	Owen Sound	1	–	1	–	–
	Peterborough	1	1	–	–	–
	Sault Ste. Marie	4	3	–	–	1
	Ottawa	1	1	–	–	–

APPLICATIONS HEARD – cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
November	Ottawa	18	6	6	3	3
	Windsor	3	2	–	–	1
	Kingston	2	2	–	–	–
	London	2	–	–	–	2
	Brantford	1	1	–	–	–
	Thunder Bay	3	–	2	–	1
December	London	1	1	–	–	–
	Barrie	2	2	–	–	–
TOTAL		532	68	294	114	56

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS – IN CHAMBERS

for 1983

APPLICATIONS

CLASS	TEMPORARIES/INTERIMS			PERMANENT			TRANSFERS		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Shares	Licence
A	48	7	41	26	–	26	14	7	7
C	20	2	18	13	–	13	4	2	2
D	122	55	67	307	–	307	48	2	46
E	1	–	1	4	–	4	4	2	2
F	4	1	3	15	–	15	17	1	16
FF	–	–	–	1	–	1	–	–	–
FS	4	2	2	6	–	6	13	–	13
H	9	7	2	13	–	13	14	–	14
K	1	1	–	4	–	4	5	1	4
L	–	–	–	19	–	19	–	–	–
R	80	46	34	45	1	44	192	2	190
T	16	7	9	21	–	21	3	1	2
W	1	–	1	4	–	4	1	–	1
Y	6	–	6	29	–	29	–	–	–
PCV'S	312	128	184	507	1	506	315	18	297
PV	31	9	22	44	–	44	20	3	17
PVS	24	2	22	64	–	64	51	2	49
PV'S	55	11	44	108	–	108	71	5	66
PCVX	197	78	119	401	3	398	57	28	29
FFX	–	–	–	1	–	1	–	–	–
PVX	5	1	4	59	–	59	7	1	6
MVTA	202	79	123	461	3	458	64	29	35
TOTAL	569	218	351	1076	4	1072	450	52	398

POOR

QUALITY

ORIGINAL